



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,605	09/26/2003	Louise D. Donovan	35388-94829	1964

23644 7590 01/12/2006
BARNES & THORNBURG, LLP
P.O. BOX 2786
CHICAGO, IL 60690-2786

EXAMINER

LEE, Y MY QUACH

ART UNIT	PAPER NUMBER
----------	--------------

2875

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,605

Applicant(s)

DONOVAN, LOUISE D.

Examiner

Lee Y Quach

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-15 and 20-28 is/are rejected.
- 7) ☒ Claim(s) 16-19 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2875

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed October 27, 2005 have been considered but are moot in view of the new ground(s) of rejection. The indicated allowability of claims 15, 25 and 27 is withdrawn in view of the newly discovered reference to Ohm et al. Rejections based on the newly cited reference follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by Ohm et al.

Ohm et al. show a first light source (26) capable of emitting visible light, a second light source (18) capable of emitting black light (column 4, line 30), a first light diffuser (28a, column 4, line 57, a translucent material by definition allowing light to pass through diffusely) to diffuse light from the first light source, a second light diffuser (11, column 4, line 2, translucent material by definition allowing light to pass through diffusely) to diffuse light from the second light source, a first control (27) to activate and deactivate the first light source, the second control (22) to activate and deactivate the second light source, and a power source (power supply, column 4, line 18).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4 to 14 and 20 to 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (prior art previously cited) in view of Ohm et al.

Cook discloses a substrate such as books, cards, individual sheets, printed material or the like (column 3, lines 24 to 25) comprising a first indicia (42) being visible under a first light

Art Unit: 2875

source (column 3, line 65 to 66) such as visible light source and a second indicia (44) being visible under a second light source (300) emitting black light to illuminate the second indicia, the first indicia revealed under the visible light source and the second light indicia substantially concealed under the visible light source and revealed under the black light (column 4, lines 1 to 3), a wand (figure 1) comprising the second light source emitting light in a long range ultraviolet spectrum (column 3, lines 18 and 38) of wavelength of about 345 nm and 400nm, the first indicia coated with a first material such as visible paints or inks (column 3, lines 64 to 65, printed materials which allow the material to be visible without any special illumination), and the second indicia coated with a second material such as fluorescent paints or invisible inks (column 4, lines 2 to 3, printed materials which require illumination by light of a specified frequency) substantially concealed under the first light source and revealed under the second light source with the capability of emitting light upon illumination under black light. Note that since the wand of Cook is portable, a power source would obviously be included in the wand to supply energy to the light source. However, Cook does not disclose that the wand comprised of a first light source emitting light in a visible spectrum of wavelength of about 400 nm and 700 nm.

Ohm et al. teach that it is old and known that an incandescent visible light source (26) emitting light in a visible spectrum of wavelengths of about 400 nm and 700 nm with a first control (27) and a black light source (18) with a second control (22) can be used in combination in a hand-held portable lightweight system for providing dual or multi purpose light sources in an easy to access single assembly (column 2, line 63).

It would have been obvious to one skilled in the art to provide the wand of Cook with a visible light source, as shown by Ohm et al, so that the wand can be modified from a single light source usage to a dual or multi purpose light sources usage in an easy to access single assembly without the need of using additional wands to illuminate the first indicia.

Note that to have the power source at least one lithium ion battery and the location of the light sources would have been an obvious matter of preference which provides no unusual, unobvious and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to use different desirable batteries including lithium ion

Art Unit: 2875

battery and different locations for the light sources to accommodate different intended applications.

6. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (prior art previously cited) in view of Ohm et al., as applied to claim 1 above, and further in view of Levy et al. (prior art previously cited).

Cook as modified by Ohm et al. discloses the invention substantially as claimed with the exception of having means such as a fastener for removably securing the wand to the substrate.

Levy et al. teach means such as a fastener (35) for removably securing a wand (25) to a substrate (11).

It would have been obvious to one skilled in the art to provide the substrate of Cook with means such as a fastener, as shown by Levy et al., for removably securing the wand to the substrate so that not only the wand and the substrate can be handled as a unit but the wand can also be removed from the substrate to use independently as a lighting source when desired.

7. Claims 15, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (prior art previously cited) in view of Ohm et al.

Cook discloses a substrate (column 3, lines 24 to 25) comprising a first indicia (42) being visible under a first light source (column 3, line 65 to 66) such as visible light source and a second indicia (44) being visible under a second light source (300) emitting black light to illuminate the second indicia, and a wand (figure 1) comprising the second light source emitting black light. Note that since the wand of Cook is portable, a power source would obviously be included in the wand to supply energy to the light source. However, Cook does not disclose that the wand comprised of a first light source emitting visible light.

Ohm et al. teach that it is old and known that an incandescent light source (26) emitting visible light and a black light source (18) can be used in combination in a hand-held portable lightweight system for providing dual or multi purpose light sources in an easy to access single assembly, a first light diffuser (28a, column 4, line 57, a translucent material by definition allowing light to pass through diffusely) to diffuse light from the first light source, a first control (27) to activate and deactivate the first light source, a second light diffuser (11, column 4, line 2, translucent material by definition allowing light to pass through diffusely) to diffuse light from

Art Unit: 2875

the second light source, and a second control (22) to activate and deactivate the second light source.

It would have been obvious to one skilled in the art to provide the wand of Cook with a visible light source, as shown by Ohm et al, so that the wand can be modified from a single light source usage to a dual or multi purpose light sources usage in an easy to access single assembly without the need of using additional wands to illuminate the first indicia.

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (prior art previously cited) in view of Ohm et al.

Cook discloses a method of illuminating a substrate (column 3, lines 24 to 25) by grasping a wand (figure 1) having a second black light source (300) and moving the wand by hand to illuminate the substrate having first indicia (42) visible under a first light source (column 3, lines 65 to 66) such as visible light source and second indicia (44) visible under a second black light source (300). However, Cook does not disclose that the wand comprised of a first light source emitting visible light.

Ohm et al. teach that it is old and known that an incandescent light source (26) emitting visible light and a black light source (18) can be used in combination in a hand-held portable lightweight system for providing dual or multi purpose light sources in an easy to access single assembly.

It would have been obvious to one skilled in the art to provide the wand of Cook with a visible light source, as shown by Ohm et al, so that the wand can be modified from a single light source usage to a dual or multi purpose light sources usage in an easy to access single assembly without the need of using additional wands to illuminate the first indicia.

9. Claims 16 to 19 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding

Art Unit: 2875

should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
January 05, 2006



Y Quach Lee
Primary Examiner
Art Unit 2875